

FILED BY CLERK

APR 20 2011

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2010-0348
)	DEPARTMENT A
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
ROBERT STEVENSON,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. S1100CR200901603

Honorable Bradley M. Soos, Judge Pro Tempore

AFFIRMED

Harriette P. Levitt

Tucson
Attorney for Appellant

ESPINOSA, Judge.

¶1 Appellant Robert Stevenson was charged with aggravated assault, a class four felony. A jury found him guilty of the lesser-included offense of simple assault, a class one misdemeanor. *See* A.R.S. § 13-1203. The trial court sentenced Stevenson to the maximum term of six months in jail, to be served consecutively to a sentence he was already serving. Counsel has filed a brief in compliance with *Anders v. California*, 386

U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has reviewed the record and has found no arguable issues to raise on appeal. Counsel has asked us to search the record for “error.” Stevenson has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdict, the evidence was sufficient to support the jury’s finding of guilt. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence presented at trial showed that, on February 12, 2009, during a medical visit at the correctional facility where he was an inmate, Stevenson became angry and struck a nurse practitioner in the face, fracturing his nose. We further conclude the sentence imposed is within the statutory limits. *See* A.R.S. § 13-707(A)(1).

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, Stevenson’s conviction and sentence are affirmed.

/s/ Philip G. Espinosa
PHILIP G. ESPINOSA, Judge

CONCURRING:

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge